

**SUMNER COUNTY ZONING BOARD OF APPEALS  
MINUTES  
6:00 P.M.  
AUGUST 14, 2008**

SUMNER COUNTY ADMINISTRATION BUILDING  
COMMITTEE MEETING ROOM # 112  
355 N. BELVEDERE DRIVE  
GALLATIN, TN 37066

**MEMBERS PRESENT:**  
**MARK MCKEE JR., CHAIRMAN**  
**BRUCE RAINEY, VICE-CHAIRMAN**  
**JAMES COLE**  
**SANDY WEBSTER**  
**ALTON PERDUE**

**MEMBERS ABSENT:**

**MOTION FOR APPROVAL OF THE JULY MINUTES BY MR. COLE, SECONDED BY MR. PERDUE. MOTION PASSED UNANIMOUSLY.**

1. **JOSEPH HOWARD** WAS REQUESTING A NINE (9) FOOT REAR YARD SETBACK VARIANCE FOR AN EXISTING HOME. SUBJECT PROPERTY IS LOCATED ON 2458 CENTER POINT ROAD, HENDERSONVILLE, TN., BEING LOT NO. 2, EARL LORENZ PROPERTY, IS ON TAX MAP 139, PARCEL 26.01, CONTAINS 2.62 ACRES, AND IS ZONED RA.

THIS WAS ADVERTISED IN THE GALLATIN NEWS ON **JULY 30, 2008**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

BILL BOSTICK, CONTRACTOR, CAME FORWARD TO REPRESENT THIS REQUEST. MR. BOSTICK EXPLAINED THAT THEY ASSUMED THAT THE FENCE WAS THE PROPERTY LINE WHICH WAS A WRONG ASSUMPTION AND THIS IS THE REASON THEY ARE ASKING FOR A REAR SETBACK VARIANCE.

MR. RAINEY ASKED MR. BOSTICK IF THEY STOPPED WORK ON THIS HOUSE WHEN THEY FOUND OUT THAT THEY HAD A SETBACK PROBLEM.

MR. BOSTICK REPLIED TO MR. RAINEY THAT THEY DID NOT STOP WORK WHEN THEY DISCOVERED THAT THERE WAS A PROBLEM. MR. BOSTICK STATED THAT THEY DISCOVERED THAT THEY WERE TOO CLOSE TO THE REAR PROPERTY LINE, NOT THE CODES DEPARTMENT. WE DISCOVERED THAT THERE WAS A PROBLEM WHEN WE DID A FOUNDATION SURVEY FOR THE MORTGAGE COMPANY.

MR. MOULTON STATED THAT HE WAS TOLD BY MR. GARY HAMMOCK, BUILDING COMMISSIONER, THAT THE INSPECTORS WILL GO BY WHERE THE CONTRACTOR TELLS THEM THE PROPERTY LINES ARE.

CHAIRMAN MCKEE OPENED THE FLOOR FOR THE PUBLIC HEARING.

IKE MILLS, ADJOINING PROPERTY OWNER, CAME FORWARD TO SPEAK. MR. MILLS STATED THAT BECAUSE OF A SURVEY, MR. BOSTICK KNEW THAT THERE WAS A REAR SETBACK PROBLEM IN APRIL 2008. MR. MILLS STATED THAT HE SPOKE TO THE PEOPLE WHEN THEY WERE POURING THE CONCRETE AND TOLD THEM THERE WAS A PROBLEM. MR. MILLS STATED THAT THEY HAD A MORTGAGE LOAN INSPECTION SURVEY DONE 4/9/08. MR. MILLS STATED THAT THIS HOUSE IS BUILT NOW AND THIS SHOULD HAVE BEEN RESOLVED LONG BEFORE THIS.

MR. MOULTON ASKED MR. BOSTICK IF THE CODES DEPARTMENT CHECKED THE SETBACKS WHEN THEY CAME OUT AND DID THEIR NORMAL FOUNDATION INSPECTIONS?

MR. BOSTICK REPLIED TO MR. MOULTON BY SAYING THAT THEY DID NOT CHECK AT ALL OR QUESTION IT.

MR. MOULTON STATED THAT LISA WILLIAMS CLEARED UP ONE THING; THE REASON THAT THERE WAS NOT A FOOTING INSPECTION PERFORMED WAS THAT THE CONTRACTOR PROVIDED AN ENGINEERING LETTER FOR THE FOUNDATION.

MR. MILLS STATED THAT THIS PROBLEM HAD BEEN KNOWN FOR A VERY LONG TIME, LONG ENOUGH TO WHERE THEY COULD MAKE SOME KIND OF A CHANGE. THEY JUST WENT AHEAD AND BUILT THE HOME AND THOUGHT THEY WOULD ASK FOR FORGIVENESS LATER.

MR. MOULTON ASKED MR. MILLS IS THERE ANY WIGGLE ROOM AS FAR AS HE WAS CONCERNED. MR. MOULTON ALSO ASKED HIM IF HE WAS WILLING TO WORK WITH THE PROPERTY OWNER TO TRY TO RESOLVE THIS THROUGH SOME KIND OF A LAND PURCHASE. THIS BOARD HAS MADE BUILDERS TEAR OFF END OF HOUSES, ETC. BECAUSE OF SETBACK ENCROACHMENTS.

MR. MILLS STATED THAT HE IS NOT WILLING TO GIVE UP ANY PROPERTY; THERE ARE 60 TO 70 FEET TALL PINE TREES LOCATED ON THIS PROPERTY HE WAS NOT WILLING TO GIVE UP. THESE PINE TREES CAN NOT BE REPLACED.

MR. MILLS STATED THAT HE DID NOT WANT TO SELL ANY PROPERTY. MR. MILLS STATED THAT HE MAY ENTERTAIN AN OFFER TO MAYBE STRAIGHTEN THE LEFT PROPERTY LINE OUT.

THERE WAS DISCUSSION.

MR. RAINEY TOLD MR. BOSTICK THAT HE HAD A PROBLEM WITH THIS SITUATION. MR. RAINEY STATED THAT MR. TOMMY WALKER, SURVEYOR, IDENTIFIED THAT YOU HAD A FOUNDATION THAT WAS OVER THE SETBACK LINE IN APRIL 9, 2008. WHY HAVE YOU WAITED UNTIL NOW, AND WHY DID YOU NOT STOP WORK AND RESOLVE THIS ISSUE WHILE IT WAS STILL JUST A FOUNDATION?

MR. BOSTICK REPLIED HE SHOULD HAVE STOPPED WORK, BUT HE DID NOT.

MR. RAINEY STATED THAT WE HAVE MADE BUILDERS TEAR DOWN HOUSES. I DO NOT CARE HOW FAR ALONG THE HOMES ARE, AND THE COURTS HAVE UPHELD THE ZONING BOARD OF APPEALS DECISIONS. THIS BODY IS CHARGED WITH BEING FAIR WITH EVERYONE IN THIS COUNTY. I HAVE A SEVERE PROBLEM WITH THIS REQUEST COMING IN FOUR MONTH AFTER THE FACT.

MR. MOULTON STATED THAT THIS BUILDING PERMIT WAS ISSUED IN MARCH 2008.

MR. MOULTON ADDED THAT THE ENGINEERING LETTER WAS ISSUED ON MARCH 18, 2008. MR. MOULTON STATED THAT HE IS NOT THAT FAMILIAR WITH THE CODES DEPARTMENT, BUT MR. HAMMOCK HAS EDUCATED ME SOMEWHAT ON THE RULES. WHEN THE CONTRACTOR FURNISHES THE CODES DEPARTMENT WITH AN ENGINEERING LETTER, I BELIEVE THAT IS ALL THE CODES DEPARTMENT DOES AS FAR AS THE FOOTING INSPECTION. MR. MOULTON STATED THAT HE DOES NOT KNOW IF THE CODES DEPARTMENT CHECKS THE INTEGRITY OF THE FOUNDATION OR CHECKS SETBACKS.

MR. MILLS EXPLAINED THAT HE MADE A PHONE CALL TO THE PEOPLE THAT ARE TRYING TO SECURE THIS HOUSE AND PIECE OF PROPERTY TO SEE IF THERE WAS ANY RESOLVE THAT WE COULD DO, BUT I HAVE NOT HEARD BACK FROM THEM.

MR. MOULTON STATED THAT ACCORDING TO MR. HAMMOCK, THEY ARE NOT GOING TO GET THE CERTIFICATE OF OCCUPANCY ON THIS HOME UNTIL THIS IS RESOLVED. IF YOU WANT TO ENTERTAIN A MOTION THAT WOULD BE SUBJECT TO THEM WORKING OUT SOME KIND OF LAND PURCHASE TO BRING THIS INTO COMPLIANCE, AND GIVE THEM A CERTAIN AMOUNT OF TIME.

MR. RAINEY STATED HE WAS THINKING ABOUT GIVING THEM THIRTY DAYS TO WORK THIS OUT. MR. RAINEY TOLD MR. BOSTICK ONCE AGAIN THAT THIS FOUR MONTH DELAY IS NOT IN YOUR FAVOR. IF MR. BOSTICK HAD PRESENTED THIS ENCROACHMENT ISSUE TO THIS BOARD AS SOON AS HE DISCOVERED THE PROBLEM, THIS BODY MAY HAVE VIEWED IT AS AN HONEST MISTAKE. WE ALL MAKE MISTAKES.

**MOTION TO DEFER THIRTY DAYS BY MR. RAINEY, SECONDED BY MS. WEBSTER. MOTION PASSED UNANIMOUSLY.**

MR. MOULTON TOLD MR. BOSTICK IT WOULD BE HIS RESPONSIBILITY TO REPORT TO THE OFFICE AND LET US KNOW HOW AND IF THIS ISSUE HAS BEEN RESOLVED. THE BALL WILL BE IN MR. BOSTICK'S COURT.

2. **WALNUT GROVE UNITED METHODIST CHURCH** WAS REQUESTING A VARIANCE TO PLACE A 5' X 8' SIGN (LIGHTED ON BOTH SIDES) NEAR THE HIGHWAY 76 RIGHT-OF-WAY. SUBJECT PROPERTY IS LOCATED AT 4101 HIGHWAY 76, COTTONTOWN, TN., IS ON TAX MAP 74, PARCEL 94, AND IS ZONED RA.

THIS WAS ADVERTISED IN THE GALLATIN NEWS ON **JULY 30, 2008**. THE ADJOINING PROPERTY OWNERS WERE NOTIFIED BY CERTIFIED MAIL.

MR. NOLEN BRUNSON, PASTOR CAME FORWARD TO REPRESENT AND EXPLAIN THIS REQUEST. THE CHURCH IS GROWING AND WE WOULD LIKE TO PUT UP A SIGN. MR. BRUNSON SHOWED MEMBERS A PICTURE OF WHERE THE OLD SIGN WAS LOCATED. WE ARE PUTTING IT SIXTEEN FEET OFF THE CORNER OF THE CHURCH FOYER. THE SIGN WILL BE LIGHTED ON BOTH SIDES.

THERE WAS NO ONE THAT WANTED TO SPEAK FOR OR AGAINST THIS REQUEST.

THERE WAS DISCUSSION.

**MOTION FOR APPROVAL BY MR. RAINEY, SECONDED BY MR. COLE. MOTION PASSED UNANIMOUSLY.**

**OTHER BUSINESS:**

CONNIE TUTTLE DISCUSSED THE CONTINUANCE OF THE HARDSHIP SHE RECEIVED ON AUGUST 10, 2006, TO CARE FOR HER MOTHER, BETTY CLARK. SUBJECT PROPERTY IS LOCATED ON 1320 DUTCH CREEK ROAD, WESTMORELAND, TN., IS ON TAX MAP 29, PARCEL 10.01, CONTAINS 1.72 ACRES AND IS ZONED AGRICULTURAL.

LARRY TUTTLE CAME FORWARD TO REPRESENT THIS REQUEST. MR. TUTTLE FURNISHED A LETTER FROM THE WESTMORELAND FAMILY CLINIC STATING THE HARDSHIP WAS STILL NEEDED.

THERE WAS DISCUSSION.

**MOTION TO CONTINUE THE HARDSHIP BY MR. RAINEY, SECONDED BY MS. WEBSTER.  
MOTION PASSED UNANIMOUSLY.**

JESSE L. MCREYNOLDS-THIS WAS A YEAR FOLLOW-UP TO DISCUSS CONTINUING THE CONDITIONAL USE PERMIT, WITH CONDITIONS, GRANTED BY THE ZONING BOARD OF APPEALS ON AUGUST 9, 2007, TO OPERATE A MUSIC VENUE AND HOST PRIVATE EVENTS i.e.(WEDDING RECEPTIONS AND CORPORATE FUNCTIONS) TO INCLUDE CATERED FOOD AND BEVERAGE AT 550 ZIEGLERS FORT ROAD, GALLATIN, TN. SUBJECT PROPERTY IS ON TAX MAP 128, PARCEL 40.02, LOT SIZE IS APPRX. 10.53 ACRES AND IS ZONED R1A.

MR. MOULTON EXPLAINED THAT MR. MCREYNOLDS WAS OUT OF TOWN AND MRS. MCREYNOLDS WAS SICK AND UNABLE TO BE HERE TONIGHT. MR. MOULTON BEGAN BY STATING THAT HE HAS BEEN MONITORING THIS SITUATION AND THEY HAVE MET TO THE LETTER EVERY REQUIREMENT THAT THIS BOARD HAD PLACED ON THEM. THEY HAVE HAD TWO OR THREE EVENTS AND HAVE REPORTED TO ME PRIOR TO THESE EVENTS. THEY HAVE LOST MONEY, BUT THEY WANT TO TRY TO PROMOTE THIS MORE AND GET IT OFF THE GROUND. THEY DO HAVE A SITE PLAN AND PART OF WHAT THEY WERE GOING TO REQUEST TONIGHT WAS TO EXPAND. THE WAY IT IS SET UP NOW IS THAT THEY CATER THESE EVENTS. THEY NOW WANT THE ABILITY TO START PREPARING THE FOOD ON SITE. THIS WOULD BE SUBJECT TO THE PROPER LICENSING AND THE HEALTH DEPARTMENT APPROVAL, ETC. THEY DID SHOW ON THE SITE PLAN WHERE THEY WOULD DO AN EXTENSION ON THE HOUSE WHERE THEY WOULD PREPARE THE FOOD. WHERE THE TENT IS SHOWN THEY HAVE NOW BUILD A VERY NICE OPEN AIR STAGE. THEY HAVE REALLY PUT A LOT OF HARD WORK INTO THIS. I HAVE NOT HAD ONE COMPLAINT ABOUT THIS CONDITIONAL USE PERMIT AND THE MCREYONLDS COME IN AND REPORT TO ME ON A REGULAR BASIS. THEY REALLY PUT A LOT OF HARD WORK INTO THIS AND I WOULD LIKE TO RECOMMEND THAT THEY MOVE ON WITH THIS.

**MOTION FOR APPROVAL BY MR. RAINEY, SECONDED BY MS. WEBSTER.  
MOTION PASSED UNANIMOUSLY.**

**MEETING ADJOURNED AT 6:35 P.M.**